IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 14703 of 2007(A)

PETITIONER:

SUKKU KASSIM, AGED 40 YEARS,S/O.KASSIM.P.I.M.,
PULIMOOTTIL HOUSE,KOLLADU P.O.,
KANJIRAPPALLY.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE, CHINGAVANOM.

2. SUB INSPECTOR OF POLICE, CHINGAVANOM.

3. ASSISTANT LABOUR OFFICER, KOTTAYAM.

4. HEAD LOAD WORKERS UNION (CITU),
NATTAKOM UNIT,REP.BY ITS CONVENER,
JOSEPH ALIAS PAPPAN,NATTAKOM..

5. HEAD LOAD WORKERS UNION (BMS),
NATTAKOM UNIT,REP.BY ITS CONVENER KANNAN,
NATTAKOM.

6. HEAD LOAD WORKERS UNION (HMS),
NATTAKOM UNIT,REP.BY ITS CONVENER SANIL,
NATTAKOM.

BY ADV. SRI.N.NAGARESH
GOVERNMENT PLEADER SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE SALE DEED DATED 3.8.2006.
EXT.P2	TRUE COPY OF THE TAX RECEIPT NO.3 DATED NIL
EXT.P3	TRUE COPY OF THE POSSESSION CERTIFICATE NO.515/06 DATEE 18.1.2006.
EXT.P4	TRUE COPY OF THE PETITION DATED 2.5.2007 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R5(a)	TRUE PHOTOCOPIES OF IDENTITY CARDS ISSUED TO REGISTERED HEADLOAD WORKERS.
EXT.R5(b)	TRUE COPY OF THE LETTER DATED 1.5.2007 SUBMITTED TO THE ASSISTANT LABOUR OFFICER, KOTTAYAM.

//TRUE COPY//

ahz/

K.BALAKRISHNAN NAIR & K.T.SANKARAN,J.

W.P.(C). NO. 14703 OF 2007

Dated this the 1st August, 2007

JUDGMENT

BALAKRISHNAN NAIR, J.

This is a Writ Petition filed seeking police protection. The petitioner has constructed an office-cum-godown building in Nattakam Village. He is engaged in the purchase and sale of raw-rubber sheets. They are purchased, graded according to quality, packed and transported out. The said establishment is regularly engaging five workmen, it is submitted. The goods bought by them are unloaded by those five workmen. Loading of the packed goods is also done by engaging those workmen, it is submitted. They are permanent workers and the petitioner does not require the services of additional workmen. While so, respondents 4 to 6 came forward demanding work for their members and caused obstruction to the functioning of the petitioner's establishment. Therefore, the petitioner submitted Ext.P4 representation praying for police protection for doing loading and unloading work and transportation of goods. Since the police was not taking any action, this Writ Petition was filed seeking appropriate reliefs.

2. The fifth respondent has filed counter affidavit stating that the five workmen engaged by the petitioner are not headload workers. They are not registered under Rule 26A of the Kerala Headload Workers Rules. Every workman doing loading and unloading work is bound to have

registration under the said Rules, it is submitted. This is a scheme covered area. Therefore, only the headload workers registered under the Rules and the Scheme, can do the loading and unloading work. The fifth respondent has already brought to the notice of the Assistant Labour Officer the illegal engagement of workmen by the petitioner to do loading and unloading work using workers without registration under the Kerala Headload Workers Rules. So, fifth respondent prays, protection may not be granted to the petitioner to continue his illegal activities.

3. We heard the learned Government Pleader appearing for the official respondents. Learned Government Pleader submitted that petitioner had submitted an application for registration under Rule 5A of the Kerala Shops and Commercial Establishments Rules. It is also submitted that he has not applied for registration under the Headload Workers Rules. There is no law and order problem and no such incident has been reported to the police so far.

4. If the party respondents have any grievance that the petitioner is running his establishment against the provisions of the Headload Workers Act and the Rules, they have to move and seek appropriate reliefs from the forum provided under the Kerala Headload Workers Act. If there is breach of peace or any commission of a cognizable offence, the police shall interfere and take appropriate action. If there is any unlawful obstruction caused by the party respondents or their members, petitioner shall inform

the police and police shall remove the unlawful obstruction, if any, caused. The workmen may move the appropriate forum under the Kerala Headload Workers Act to redress their grievances. Learned counsel for the fifth respondent points out that he has already moved the Assistant Labour Officer, the third respondent herein, by filing Ext.R5(b) representation. If that be so, the said respondent will hear the parties and take appropriate proceedings in accordance with law.

The Writ Petition is disposed of as above.

(K.BALAKRISHNAN NAIR)
Judge

(K.T.SANKARAN)
Judge

ahz/